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Attorneys for Plaintiff
Michael Barco

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Michael Barco, individually and on
behalf of all others similarly
situated,

Plaintiff,

v.

Benveniste Insurance,

Defendant.

**CASE No.: 2:18-cv-07754-CBM
(KSx)**

**NOTICE OF VOLUNTARY DISMISSAL
OF ACTION WITH PREJUDICE AS TO
THE NAMED PLAINTIFF AND
WITHOUT PREJUDICE AS TO THE
PUTATIVE CLASS**

Plaintiff MICHAEL BARCO hereby moves to dismiss the above entitled action with prejudice as to the named Plaintiff and without prejudice as to the Putative Class, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

The notice and approval requirements of Federal Rule of Civil Procedure 23(e)¹ are inapplicable to the parties' settlement and dismissal of this Putative Class action because this action has not been certified as a class. Regardless, there is no

¹ Federal Rule of Civil Procedure 23(e) states "[t]he claims, issues or defenses of a certified class may be settled, voluntarily dismissed, or compromised only with the Court's approval.

1 prejudice to the absent class members because (i) it is highly unlikely that there has
2 been any reliance by putative class members on the filing of this class action to
3 vindicate their rights; (ii) putative class members' claims will not be prejudiced by
4 lack of adequate time to file other actions due to the tolling of the absent class
5 members' claims; (iii) there have been no concessions, impairments or other actions
6 taken by the Parties' counsel that would prejudice the class' claims; and (iv) the
7 putative class members are being dismissed without prejudice.

8 WHEREFORE, the parties respectfully request that this Court dismiss this
9 action with prejudice as to the named Plaintiff, and without prejudice as to the
10 Putative Class, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

11 Respectfully Submitted,

12 Dated: September 25, 2019

13 **KAZEROUNI LAW GROUP, APC**

14 By: s/ Yana A. Hart
15 Yana A. Hart
16 *Attorney for Plaintiff*
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